

Hellou everybody,

lähetän tämän jutun ”alan miehille” tai eihän tämä nyt niin hyvä ole kun Danica jää ilman pääsponsoria, mutta opettavainen tarina siitä että sosiaalinen media on nykyään tärkeä osa urheilua.

t Mänitzer

tässä tärkein kohta Stewart – Haas on Danican talli.

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Stewart-Haas Racing accused Nature’s Bakery of concocting “a scheme to avoid further payments” by claiming that Patrick had endorsed competing products and did not use her social media presence enough to promote Nature’s Bakery. Stewart-Haas Racing states in the complaint that “these claims are false.”

Stewart-Haas Racing states that “the thrust of Nature’s Bakery’s complaints about Danica Patrick supposedly endorsing competing products is her personal endorsement of Six Star Pro Nutrition’s protein powder. Protein powder is not competitive with fig bars or brownies. Furthermore, Danica Patrick had been endorsing Six Star Pro Nutrition’s protein powder, publicly, for many months prior to the execution of (the) Sponsorship Agreement, and continued to do so afterwards.

“Never once did Defendants claim that her doing so amounted to a breach of the Sponsorship Agreement (nor could it, because, again, the protein powder is not a competing product). ... Danica Patrick never endorsed Six Star Pro Nutrition’s protein bars. Worse, Nature’s Bakery “liked” numerous of Danica Patrick’s Instagram posts regarding Six Star Pro Nutrition and other protein powders. Clearly, even Nature’s Bakery did not consider Danica Patrick to be endorsing a competing product, until it decided to drum up reasons to terminate the Agreement.”

Stewart-Haas Racing files suit against sponsor of Danica Patrick’s team

11 Comments

By [Dustin Long](#) Feb 3, 2017, 6:19 PM EST

Stewart-Haas Racing filed a breach of contract lawsuit against Nature's Bakery, the sponsor of [Danica Patrick](#)'s team, Friday in North Carolina Superior Court.

[The Associated Press first reported the suit.](#)

Stewart-Haas Racing seeks \$31.7 million in actual damages, plus interest. Nature's Bakery was to pay \$30.4 million of base fees for the remaining two years of the contract, along with another \$1 million in other fees.

Stewart-Haas Racing stated in the lawsuit that the actions of Nature's Bakery "set SHR up for a devastating loss of revenue just before the beginning of the 2017 race season; and rendered it nearly impossible for SHR to have any reasonable hope of mitigating its damages."

Stewart-Haas Racing issued a statement Friday night:

"Nature's Bakery is in material breach of its contract with Stewart-Haas Racing. It is an unfortunate situation, as the team has delivered on all aspects of its contract and was prepared to do so again in 2017. Ultimately, this is a situation that will be resolved in a court of law.

"Stewart-Haas Racing remains focused on its preparation for the 2017 NASCAR season where it will again field four entries in the Monster Energy NASCAR Cup Series while also introducing a full-time NASCAR Xfinity Series team. The litigation with Nature's Bakery will not impact the organization's on-track efforts."

Stewart-Haas Racing stated in the complaint that "this is an action to recover substantial damages from the Defendants' unfair trade practices and associated intentional and bad faith breaches of a multi-year primary sponsorship agreement associated with the #10 SHR race team."

Stewart-Haas Racing stated in the complaint that after Nature's Bakery expressed interest in 2015 in sponsoring Patrick's team, the organization "expressed significant concern that Nature's Bakery would be unable to afford a primary sponsorship of the magnitude it requested. Mr. (David) Marson, for himself, and the Marsons, for the Marson Trust, and Nature's Bakery, provided repeated assurances that Nature's Bakery had the cash flow and funds to meet all financial requirements of the proposed sponsorship agreement."

The suit states that for the 2016 season, Nature's Bakery was to pay \$15,212,000 to sponsor the team. It was to pay the team \$5 million on or before Oct. 1, 2015; \$3,404,000 on or before Feb. 1, 2016; \$3,404,000 on or before May 1, 2016; and \$3,404,000 on or before July 1, 2016.

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For 2018, Nature's Bakery was to pay \$15,212,000 to sponsor the team with the same type of payment schedule.

The complaint states with the contract set, Stewart-Haas Racing moved forward on other matters, including signing Patrick to a multi-year agreement that goes through the 2018 season.

The complaint states that “soon after executing the Sponsorship Agreement, Mr. Marson and Joe Marshall (Nature’s Bakery Chief Financial Officer) reached out to SHR executives, and stated that Nature’s Bakery was having cash flow issues, and asked if the payment amounts and deadlines in the Sponsorship Agreement could be modified to assist Nature’s Bakery with its cash crunch.”

Stewart-Haas Racing changed the payment schedule for 2016 for Nature’s Bakery to pay \$2.5 million on or before Oct. 1, 2015; \$1 million on or before the 15th of each month from January to May 2016; and \$1.928 million on or before the 15th of each month from June to September.

For 2017, the payment schedule was adjusted to \$2.5 million on or before Oct. 1, 2016; \$2.5 million on or before Dec. 1, 2016; and \$3.4 million on or before the first day of February, May and July 2017.

Among the many extra benefits Stewart-Haas Racing provided Nature’s Bakery, according to the lawsuit, were two additional races free in 2016 when both Patrick’s car and the No. 14 car of [Tony Stewart](#) had Nature’s Bakery as a primary sponsor at the Dover race in October. The team also stated in the lawsuit that Stewart-Haas Racing helped Nature’s Bakery avoid track fees for activation access and “upon learning of the mold outbreak in Defendants’ product, SHR worked to open and dispose of many samples of Nature’s Bakery products that contained heavy mold, to avoid fans from receiving tainted product (and the resulting reputational issues that would surely follow).”

Stewart-Haas Racing states that Nature’s Bakery reached out to the team in late summer 2016 to modify the base fee payment terms, “representing that modification was again necessary due to Nature’s Bakery’s internal cash flow issues.”

The payment schedule was again changed. Nature’s Bakery was to pay Stewart-Haas Racing \$1 million on before the 15th of each month from January to March 2017 and \$2,042,400 on or before the 15th of each month from April to August 2017 and \$1 million on or before the 15th of September and October 2017. The 2018 payment schedule also was adjusted.

Stewart-Haas Racing accused Nature’s Bakery of concocting “a scheme to avoid further payments” by claiming that Patrick had endorsed competing products and did not use her social media presence enough to promote Nature’s Bakery. Stewart-Haas Racing states in the complaint that “these claims are false.”

Stewart-Haas Racing states that “the thrust of Nature’s Bakery’s complaints about Danica Patrick supposedly endorsing competing products is her personal endorsement of Six Star Pro Nutrition’s protein powder. Protein powder is not competitive with fig bars or brownies. Furthermore, Danica Patrick had been endorsing Six Star Pro Nutrition’s protein powder, publicly, for many months prior to the execution of (the) Sponsorship Agreement, and continued to do so afterwards.

“Never once did Defendants claim that her doing so amounted to a breach of the Sponsorship Agreement (nor could it, because, again, the protein powder is not a competing product). ... Danica Patrick never endorsed Six Star Pro Nutrition’s protein bars. Worse, Nature’s Bakery “liked” numerous of Danica Patrick’s Instagram posts regarding Six Star Pro Nutrition and other protein powders. Clearly, even Nature’s Bakery

did not consider Danica Patrick to be endorsing a competing product, until it decided to drum up reasons to terminate the Agreement.”

The suit says Nature’s Bakery sent a letter to Stewart-Haas Racing on Jan. 19 seeking its desire to terminate the sponsorship agreement.

Stewart-Haas Racing stated in the lawsuit: “In every respect, SHR complied with its obligations under the Sponsorship Agreement.

“In every respect, Defendants materially breached their obligations under the Sponsorship Agreement, and did so using unfair, deceptive, manipulative and bad faith tactics.

“Left with no options to protect its rights and interests, SHR files this action seeking to recover all amounts due pursuant to the Sponsorship Agreement, plus interest, and all other damages.”

Nature’s Bakery served as the primary sponsor on Patrick’s car for 27 points races last year along with what was called the Sprint Unlimited and the Sprint All-Star Race. Nature’s Bakery was to have served as the primary sponsor of Patrick’s team for a minimum 25 races this season, according to the lawsuit.

Patrick appeared at last week’s NASCAR Media Tour in her TaxAct uniform instead of a Nature’s Bakery uniform, raising questions about the company’s primary sponsorship of her team.

The Nature’s Bakery website does not contain references to Patrick, Stewart-Haas Racing or NASCAR.

Messages to representatives of Nature’s Bakery about this matter have yet to be returned.